



# Law Office of Caner Demirayak, Esq., P.C.

December 26, 2024

Hon. Nelson S. Roman  
United States District Judge  
Southern District of New York  
300 Quarropas Street  
White Plains, New York 10601-4150

Re: **Marc Fishman v City of New Rochelle, et al**  
Case Number: 19-cv-00265-NSR

Your Honor:

I represent the plaintiff, Marc Fishman. I write to you regarding the December 19, 2024 publication by the New York State Office of the Attorney General finding that formerly named defendant Officer Schlesinger engaged in a pattern of misconduct involving the abuse of authority with on and off duty incidents pursuant to New York State Executive Law 75(5)(b). The website screenshot displaying the date of publication and the findings of the Attorney General are annexed as Exhibit 1. The defendant did not disclose that the officer was on desk duty throughout this litigation nor that he was terminated in part due to these findings.

I submit the Attorney General's letter for your Honor's review while the motions for summary judgment are pending for two reasons. First, the defendants did not disclose any of the information contained within the investigation despite due demand during discovery in plaintiff's document demands. There is no colorable claim available to the defendant that this information was not discoverable. This follows the defendant's earlier refusal to turn over video and audio evidence for years, denying its existence until it decided to disclose the materials in this case. As such the defendant should receive an appropriate sanction which could include a denial of their pending motion and/or preclusion at trial. Second, the findings further tend to prove what plaintiff has been alleging all along: that the defendant intentionally violated his rights, which should also result in denial of the defendant's motion.

Thank you for your time and attention to this matter.

Very truly yours,

*Caner Demirayak*  
Caner Demirayak, Esq.

Encl.

CC: Defense Counsel via ECF

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